

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 13, 2009

Chairman T. Michalski called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, B. Turnquist, T. Harryman , L. Spataro,
S. Warmington, B. Mazade

MEMBERS ABSENT: B. Smith

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: T. Church, Channel View Place; D. Barns, 3509 Channel Dr.; Mr.
Beute, 3540 Fulton; C. Jensen, 1873 LeTart; D. Alonzi, Turning
Leaf Residential Rehabilitation Services; D. Rinsema-Sybenga,
425 W. Western Ave.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of October 15, 2009 be approved, was made by
B. Larson, supported by L. Spataro and unanimously approved.

PUBLIC HEARINGS

Chairman T. Michalski stated that the board would hear case 2009-21 first, since the applicant
for case 2009-20 was not yet present.

Hearing; Case 2009-21: Planning Commission-initiated request to clarify the Special Use Permit issued to the Great Lakes Naval Museum, per section 1701, #11 of Article XVII of the Zoning Ordinance to allow a museum in an OSR, Open Space Recreation zoning district at 3800 Bluff Street. L. Anguilm presented the staff report. The 2.58-acre Great Lakes Naval Memorial and Museum property has a special land use permit to operate as a museum. The Planning Commission requested a public hearing to clarify the uses that would be allowed on the property as part of that permit, originally issued in September 2005. A sub-committee consisting of T. Michalski, S. Warmington, and L. Anguilm was formed to review the issue. The conditions listed in the staff report as part of the motion are those recommendations agreed to by the sub-committee. If the Planning Commission wishes to develop a list of approved events, that list could be adopted as part of the motion. T. Fisher, 1379 W. Harbour Towne Circle, called to state that he supported any museum events at the site. Staff received several other phone calls from residents asking questions regarding the reason for the meeting. Based on compliance with the 1997 Master Plan and City Zoning Ordinance, staff recommends approval of the conditions to be placed on museum events, as compiled by the sub-committee.

T. Michalski and S. Warmington provided information on the subcommittee meetings and their findings. L. Anguilm distributed a memo to interested audience members, describing the event conditions discussed. S. Warmington discussed special liquor licenses. He also stated that all

museum events must comply with parking regulations. T. Church, who lived on Channel View Place across from the museum, stated that he didn't think there was adequate parking on the site. He was also a board member of Harbour Towne Yacht Club and was concerned about unfair competition. D. Barns lived near the museum and was upset that the museum kept coming back to the Planning Commission with requests for items/events that were not included in the original special use permit approval. He also stated that some of the initial commitments made by the museum when the SUP was granted had not been honored, including the accessible walkway along the channel. He wanted the museum staff to have better communication with the neighbors and to address their concerns.

B. Mazade arrived at 4:22 p.m.

S. Warmington explained the museum's concerns, and the perceived disparity between what they were allowed to do and what other non-profits were allowed. Mr. Beute stated that he was unhappy with the way museum events were being handled and urged the Planning Commission to slow down on events there. He was also concerned that unpackaged fudge was being sold, and felt that this could lead to more unregulated food sales. T. Michalski stated that the food issue was regulated by the health department. C. Jensen stated that she had obtained a license from the health department to sell the fudge. Board members discussed public access/walkways on the site, and whether property along the channel was owned by the City or Army Corp. T. Church asked the Planning Commission to follow up on the fudge sale issue. T. Michalski encouraged anyone who was concerned about that issue to contact the Health Department. S. Warmington stated that he would contact the Health Department on behalf of the City.

A motion to close the public hearing was made by B. Larson, supported by L. Spataro and unanimously approved.

A motion to further clarify conditions for events held at the Naval Museum to include the following: 1) There are no alcoholic beverages allowed on the premises without an approved liquor license, 2) No alcohol is allowed when youth are present ("youth" refers to anyone under 18 years of age), 3) The museum can use whatever number of temporary liquor licenses for non-profit organizations that are approved by the City Commission only for fund raisers for the Naval Museum; no other agency may hold a fund raiser with such a temporary license on the premises, 4) Any evening events not involving a temporary liquor license must end by 9 p.m.; those involving a temporary liquor license must end by 10 p.m., 5) Any catered events must have the approval of the Muskegon County Health Department, 6) Events must maintain the mission of the organization stated in the lease; no wedding receptions, class reunions or other such rental hall type of activities are permitted, 7) Business meetings are allowed at the Naval Museum during the day with no alcohol served, and 8) Any events or activities held must comply with the number of approved parking spaces on the site, was made by L. Spataro and supported by B. Larson, with discussion continuing.

L. Spataro stated that any further expansion of services at the site would have to be approved by the Planning Commission and neighbors would be notified. B. Turnquist asked about the number of temporary liquor licenses allowed. L. Spataro stated that the number was set by State law. B. Turnquist hoped that other events at the facility would not take away from the youth events held there. S. Warmington stated that he would relay that concern to the museum board.

A vote was taken on the above motion, which passed unanimously.

Hearing; Case 2009-20: Request for a Special Land Use Permit, per section 2203, #1 of Article XXII of the Zoning Ordinance, to allow an expansion not exceeding 30% of a nonconforming structure at 788 Marquette Avenue, by David Mayville, BMA Architects, LLC. L. Anguilm presented the staff report. This property was originally owned and developed as an adult foster care home by the State of Michigan. It has since been sold to private owners. Zoning of the property is R-1, Single Family Residential, as are properties in all directions with the exception of a small strip of B-1, Limited Business zoning on the southeast corner of Marquette and Getty. The garage is located in the front yard, and is therefore a nonconforming structure. The owners wish to add a pergola on the east side of the garage to provide a covering over the cement patio area for residents to use for outdoor seating. The pergola will be 145 square feet, which is less than the 30% maximum allowable expansion of the 484 square-foot garage. The Planning Department has no outstanding issues with the site plan, nor do the Public Works, Engineering, or Fire Departments. Staff has received no other comments regarding this request and recommends approval, based on compliance with the 1997 Master Plan.

L. Spataro stated that an adult foster care home was an allowed use in an R-1 zoning district, so the non-conforming part of this request was the structure, not the use. D. Alonzi, of Turning Leaf Residential Rehabilitation Services, stated that they had taken over the AFC home on October 1 and had been making several improvements to the site. They wished to add the pergola to provide shade over the patio area adjacent to the garage. T. Michalski asked if they'd be increasing the number of residents at the facility. D. Alonzi stated that they would not.

A motion to close the public hearing was made by L. Spataro, supported by B. Mazade and unanimously approved.

L. Spataro disclosed that he was an employee of Community Mental Health, who contracted with Turning Leaf Residential Rehabilitation Services.

A motion that the special land use permit, per section 2203, (#1) of Article XXII of the Zoning Ordinance, to allow an expansion of a nonconforming structure not exceeding 30% at 788 Marquette Avenue, by David Mayville, BMA Architects LLC, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) the owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 2) the special land use permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1 & 2, and 3) the Special Land Use permit document shall be recorded with the Register of Deeds prior to occupying the building, was made by B. Larson, supported by B. Turnquist and unanimously approved.

S. Warmington overheard a neighbor in the audience discussing a garbage dumpster that had been placed near the window of her home. L. Anguilm stated that staff had already requested that it be moved. D. Alonzi stated that they would move it.

Hearing; Case 2009-22: Staff-initiated request to amend Article II, Definitions, to modify the definition for "mezzanine". L. Anguilm presented the staff report. Over the past couple of years, several requests have been received by the Planning Department to construct mezzanines in certain 2-story homes with high ceilings. Due to the current ordinance language these weren't allowed, even when the total height of the house was within the height limit. By making this change to the definition, our ordinance would be more in keeping with requests by home owners

to make use of previously wasted space in cathedral ceilings, which is a trend in new homes and additions to existing homes. The present and proposed definitions of “mezzanine” were provided in the staff report.

B. Mazade stated that he wasn’t sure the language was clear enough. L. Anguilm stated that the problem with the current language was the “intermediate level” terminology, which was removed.

A motion to close the public hearing was made by T. Harryman, supported by L. Spataro and unanimously approved.

A motion that the amendment to Article II, Definitions, to amend the definition of “mezzanine”, be recommended to the City Commission for approval was made by T. Harryman, supported by L. Spataro and unanimously approved.

Hearing: Case 2009-23: Staff-initiated request to amend Section 2334, #5 (f) (Signs) of Article XXIII to modify “Exempt Signs”. L. Anguilm presented the staff report. Recently a new sign was proposed for identifying the new stage area in the common area downtown between the DMDC property and Third Street, recently referred to as the “Third Street Commons”. Our present zoning ordinance made no provisions for this type of signage. In an attempt to keep our zoning ordinance reflecting the times, the following amendment to the “Exempt Signs” section of the sign ordinance is proposed (additions are in bold): “5. f. Historic markers, **wall** signs identifying the names of a building, **place** or date of erection of a structure.”

T. Harryman asked if the new language went along with the language in the Historic District ordinance. L. Anguilm stated that HDC language would have to comply with the sign ordinance.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the amendment to Section 2334, (Signs) #5 (f) of Article XXIII, to modify “Exempt Signs”, be recommended to the City Commission for approval was made by L. Spataro, supported by T. Harryman and unanimously approved.

NEW BUSINESS:

None

OTHER

Design Criteria for 100 Muskegon Mall PUD – D. Rinsema-Sybenga spoke on behalf of the DMDC regarding revised design criteria for the former mall site. They wanted to tighten up some of the language. He distributed a copy of the Development Standards to the board and reviewed proposed changes. L. Anguilm asked if the green building portion had been adopted by the City. D. Rinsema-Sybenga stated that it hadn’t; the DMDC was requesting that. B. Turnquist stated that the 4-foot front setback was not very big, which would discourage sidewalk café-type seating. He preferred that the setback be more than 4 feet for that reason.

B. Larson left at 5:20 p.m.

Sign Ordinance – B. Mazade asked Planning Commission members if they would be interested in revisiting the City's sign ordinance. He stated that he had received many comments and concerns regarding sign ordinance restrictions. Board members discussed the sign ordinance and concurred that they would be willing to review it.

There being no further business, the meeting was adjourned at 5:30 p.m.

dml